

REMARKS/ARGUMENTS

Applicant has reviewed and considered the Final Office Action mailed on July 9, 2007, and the references cited therewith.

Claims 1-9, 13-19 and 23 are amended. No claims were cancelled or added. Claims 1-9, 12-19 and 22-24 are pending in this application.

Applicant respectfully submits that amended claims 1-9, 13-19 and 23 do not introduce any new subject matter and are intended to cover additional claimable subject matter fully supported by the originally filed specification.

Support for the amended claims can be found throughout the specification. For example, support for the amendment to the claims can be found at page 4, line 26 through page 5, line 2; and page 7, line 18 through page 11, line 19, among other places.

§ 102 Rejection of the Claims

Claims 1-4, 6, 13, 14, 16, 17, and 23 were rejected under 35 USC § 102(e) as being anticipated by Case, et al. (U.S. Publ No. 2004/0167619 A1).

Applicant has amended claims 1-4, 6, 13, 14, 16, 17, and 23 to more clearly recite the claimed subject matter. Insofar as the rejection applies to the amended claims, Applicant respectfully traverses as follows.

Applicant respectfully submits that Case does not teach all the elements recited in claims 1, 13 and 23. For example, Case does not appear to teach a stent having, besides other things, a structural material that forms a generally tubular structure having at least a first cell and a second cell that each face different directions, and a radio frequency (RF) marker that forms generally concentric loops on only one side of each of the first cell and the second cell of the generally tubular structure, as recited in claim 1.

In addition, Case does not appear to teach a medical device for use in a body cavity that includes, besides other things, a structure having a peripheral surface that defines two or more cells at a first end of the structure and a radio frequency (RF) marker located on only the peripheral surface of the structure that delineates a

circumference of each of the two or more cells of the structure, as recited in claim 13.

Finally, Case does not appear to teach a method of implanting a medical device that includes, besides other things, inserting the medical device having a generally tubular structure formed of material substantially invisible under magnetic resonance imaging (MRI) visualization, where the generally tubular structure includes two or more cells positioned at either end of the generally tubular structure and oriented generally orthogonal to each other, each of the two or more cells having a radio frequency (RF) marker that defines a perimeter of each cell, into a body cavity, as recited in claim 23.

Based on the forgoing, Applicant respectfully submits that Case does not support a proper 102(e) rejection of claims 1, 13, and 23. Applicant respectfully requests reconsideration and withdrawal of the 102(e) rejection for independent claims 1, 13, and 23, as well as those claims which depend therefrom.

§ 103 Rejection of the Claims

Claims 5 and 15 were rejected under 35 USC § 103(a) as being unpatentable over Case et al. in view of Tiefenbrun et al. (U.S. Patent No. 5,425,765). Applicant respectfully traverses the rejection as follows.

Claims 5 and 15 depend from independent claims 1 and 13, which are in condition for allowance for at least the reasons stated above. That is, Case does not teach each and every element contained in Applicant's independent claims 1 and 13. The Tiefenbrun reference does not cure the deficiencies of Case. For example, the Tiefenbrun reference does not describe, teach, or suggest, independently or in combination, a stent having, besides other things, a structural material that forms a generally tubular structure having at least a first cell and a second cell that each face different directions, and a radio frequency (RF) marker that forms generally concentric loops on only one side of each of the first cell and the second cell of the generally tubular structure, as recited in claim 1.

The Tiefenbrun reference also does not describe, teach, or suggest, independently or in combination, a medical device having a structure with a peripheral surface that defines two or more cells at a first end of the structure and a radio frequency (RF) marker located on only the peripheral surface of the structure that delineates a circumference of each of the two or more cells of the structure, as recited in claim 13.

As such, Applicant respectfully submits that each and every element and limitation of independent claims 1 and 13 are not taught or suggested by the Tiefenbrun reference and Case, either individual or in combination. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 103(a) rejection of dependent claims 5 and 15.

Claims 7-9 and 18-19 were rejected under 35 USC § 103(a) as being unpatentable over Case et al. (U.S. Publ. No. 2004/0167619). Applicant respectfully traverses the rejection as follows.

Claims 7-9 and 18-19 depend from independent claims 1 and 13, which are in condition for allowance for at least the reasons stated above. That is, Case does not teach each and every element contained in Applicant's independent claims 1 and 13. Specifically, Case does not teach a structure formed of material substantially invisible under magnetic resonance imaging (MRI) visualization, as provided in claims 1 and 13.

As such, Applicant respectfully submits that each and every element and limitation of independent claims 1 and 13 are not taught or suggested by Case. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 103(a) rejection of dependent claims 7-9 and 18-19.

Claims 12, 22 and 24 were rejected under 35 USC § 103(a) as being unpatentable over Case et al. (U.S. Publ. No. 2004/0167619) in view of Jackson et al. (U.S. Publ. No. 2003/0004563). Applicant respectfully traverses the rejection as follows.

Claims 12, 22, and 24 depend from independent claims 1, 13, and 23, which are in condition for allowance for at least the reasons stated above. That is, Case does not teach each and every element contained in Applicant's independent claims 1, 13, and 23. The Jackson reference does not cure the deficiencies of Case. For example, the Jackson reference does not describe, teach, or suggest, independently or in combination, a stent having, besides other things, a structural material that forms a generally tubular structure having at least a first cell and a second cell that each face different directions, and a radio frequency (RF) marker that forms generally concentric loops on only one side of each of the first cell and the second cell of the generally tubular structure, as recited in claim 1.

The Jackson reference also does not describe, teach, or suggest, independently or in combination, a medical device having a structure with a peripheral surface that defines two or more cells at a first end of the structure and a radio frequency (RF) marker located on only the peripheral surface of the structure that delineates a circumference of each of the two or more cells of the structure, as recited in claim 13.

Finally, the Jackson reference does not describe, teach, or suggest, independently or in combination, a method of implanting a medical device that includes inserting the medical device having a generally tubular structure formed of material substantially invisible under magnetic resonance imaging (MRI) visualization, where the generally tubular structure includes two or more cells positioned at either end of the generally tubular structure and oriented generally orthogonal to each other, each of the two or more cells having a radio frequency (RF) marker that defines a perimeter of each cell, into a body cavity, as recited in claim 23.

As such, Applicant respectfully submits that each and every element and limitation of independent claims 1, 13, and 23 are not taught or suggested by the Jackson reference and Case, either individual or in combination. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 103(a) rejection of dependent claims 12, 22, and 24.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 236-0122 to facilitate prosecution of this matter.

CERTIFICATE UNDER 37 CFR §1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS RCE Commissioner for Patents, P.O. BOX 1450 Alexandria, VA 22313-1450, on this 18th day of September, 2007.

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